IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1650 OF 2005

Shri.Imtiyaj Yasin Valsangkar ..Petitioner

Vs.

Sou.Taherabi Imtiyaj Valsangkar & Ors. ..Respondents

...

Mr. J.P.Kharje i/b Mr.Shrishail Sakhare Advocate for Petitioner
Mr. D.P.Adsule, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 1, 2005

P.C.

1. Heard the learned advocate for petitioner and learned A.P.P. for State.

2. The petitioner who is the husband of respondent no.2 and the father of respondent nos.2 to 4 has challenged the order dated 15.5.2005 passed by the learned J.M.F.C.Court No.5 Solapur. By the said order, the interim maintenance came to be granted

to the respondents in the sum of Rs.400/- each.

3. The learned advocate for the petitioner has submitted that the said order granting maintenance, is illegal as the ceiling of maintenance amount which can be granted is Rs.1500/- and looking to the fact that Rs.400/- has been granted to four respondents i.e. wife and three children, the total amount comes to Rs.1600/- which is illegal. I find the submission made on behalf of the petitioner to be wholly erroneous as the limit of Rs.1500/- for granting maintenance is in respect of one person. Thus, I find no merit in this submission. Thereafter, it was submitted that the learned Magistrate ought not to have granted maintenance to the respondents.

4. Looking to the fact that the interim maintenance is granted to the wife and children of the petitioner, I am not inclined to interfere at this stage. Liberty is granted to the petitioner to have the maintenance proceedings expedited and thereafter to challenge the final order granting maintenance.

5. Thereafter, the learned advocate for the petitioner states that non-bailable warrants have been issued against him and he prays that said warrants be quashed. In my view it would be appropriate that the petitioner approaches the concerned lower Court for setting aside the warrants. In order to enable the petitioner to take necessary steps in respect of warrant, the said warrant is stayed upto 21st July, 2005.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]